

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,	:	
<i>et al., ex rel.</i> JESSICA PENELOW	:	No. 12-cv-07758 (ZNQ) (JBD)
and CHRISTINE BRANCACCIO,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
JANSSEN PRODUCTS, LP,	:	
	:	
Defendant.	:	

VERDICT FORM

VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided in the Jury Instructions and throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning of any legal term that appears in the questions below.

I. FALSE CLAIMS ACT – OFF-LABEL MARKETING CLAIMS

Question One:

Did Relators prove by a preponderance of the evidence that Janssen violated the federal False Claims Act by unlawfully promoting Prezista or Intelence?

Yes ✓ No

If you answered "Yes" to Question One, please proceed to Questions Two and Three. If you answered "No" to Question One, then stop here, answer no further questions in Part I, and proceed to Part II.

Question Two:

What number of false claims, if any, did Relators prove that Janssen caused to be submitted as a result of any False Claims Act violations you found in Question One?

Number of False Claims: 159,574

Question Three:

What amount of damages, if any, did Relators prove by a preponderance of the evidence that the United States sustained as a result of any False Claims Act violations you found in Question One?

Damages: \$ 120,004,736.00

II. FALSE CLAIMS ACT – ANTI-KICKBACK STATUTE CLAIMS

Question Four:

Did Relators prove by a preponderance of the evidence that Janssen violated the federal False Claims Act by violating the Anti-Kickback Statute?

Yes _____ No ✓

If you answered "Yes" to Question Four, please proceed to Questions Five and Six. If you answered "No" to Question Four, then stop here, answer no further questions in Part II, and proceed to Part III.

Question Five:

What number of false claims, if any, did Relators prove that Janssen caused to be submitted as a result of any False Claims Act violations you found in Question Four?

Number of False Claims: _____

Question Six:

What amount of damages, if any, did Relators prove by a preponderance of the evidence that the United States sustained as a result of any False Claims Act violations you found in Question Four?

Damages: \$ _____

III. STATE FALSE CLAIMS ACTS

Question Seven:

Did Relators prove by a preponderance of the evidence that Janssen violated the state False Claims Acts of any of the following States by unlawfully promoting Prezista or Intence?

California:	YES <u>✓</u>	NO <u> </u>
Colorado:	YES <u>✓</u>	NO <u> </u>
Connecticut:	YES <u>✓</u>	NO <u> </u>
Delaware:	YES <u>✓</u>	NO <u> </u>
Florida:	YES <u>✓</u>	NO <u> </u>
Georgia:	YES <u>✓</u>	NO <u> </u>
Hawaii:	YES <u>✓</u>	NO <u> </u>
Illinois:	YES <u>✓</u>	NO <u> </u>
Indiana:	YES <u>✓</u>	NO <u> </u>
Iowa:	YES <u>✓</u>	NO <u> </u>
Louisiana:	YES <u>✓</u>	NO <u> </u>
Massachusetts:	YES <u>✓</u>	NO <u> </u>
Michigan:	YES <u>✓</u>	NO <u> </u>
Minnesota:	YES <u>✓</u>	NO <u> </u>
Montana:	YES <u>✓</u>	NO <u> </u>

Nevada:	YES <u>✓</u>	NO <u> </u>
New Jersey:	YES <u>✓</u>	NO <u> </u>
New Mexico:	YES <u>✓</u>	NO <u> </u>
New York:	YES <u>✓</u>	NO <u> </u>
North Carolina:	YES <u>✓</u>	NO <u> </u>
Oklahoma:	YES <u>✓</u>	NO <u> </u>
Rhode Island:	YES <u>✓</u>	NO <u> </u>
Tennessee:	YES <u>✓</u>	NO <u> </u>
Texas:	YES <u>✓</u>	NO <u> </u>
Virginia:	YES <u>✓</u>	NO <u> </u>
Washington:	YES <u>✓</u>	NO <u> </u>
District of Columbia:	YES <u>✓</u>	NO <u> </u>

Question Eight:

What amount of damages, if any, did Relators prove by a preponderance of the evidence that the States sustained as a result of any violations you found in Question Seven?

Damages: \$ 30,001,184.00

Question Nine:

Did Relators prove by a preponderance of the evidence that Janssen violated the state False Claims Acts of any of the following States by violating the Anti-Kickback Statute?

California:	YES _____	NO <input checked="" type="checkbox"/> _____
Colorado:	YES _____	NO <input checked="" type="checkbox"/> _____
Connecticut:	YES _____	NO <input checked="" type="checkbox"/> _____
Delaware:	YES _____	NO <input checked="" type="checkbox"/> _____
Florida:	YES _____	NO <input checked="" type="checkbox"/> _____
Georgia:	YES _____	NO <input checked="" type="checkbox"/> _____
Hawaii:	YES _____	NO <input checked="" type="checkbox"/> _____
Illinois:	YES _____	NO <input checked="" type="checkbox"/> _____
Indiana:	YES _____	NO <input checked="" type="checkbox"/> _____
Iowa:	YES _____	NO <input checked="" type="checkbox"/> _____
Louisiana:	YES _____	NO <input checked="" type="checkbox"/> _____
Massachusetts:	YES _____	NO <input checked="" type="checkbox"/> _____
Michigan:	YES _____	NO <input checked="" type="checkbox"/> _____
Minnesota:	YES _____	NO <input checked="" type="checkbox"/> _____
Montana:	YES _____	NO <input checked="" type="checkbox"/> _____
Nevada:	YES _____	NO <input checked="" type="checkbox"/> _____

New Jersey:	YES _____	NO <u>✓</u>
New Mexico:	YES _____	NO <u>✓</u>
New York:	YES _____	NO <u>✓</u>
North Carolina:	YES _____	NO <u>✓</u>
Oklahoma:	YES _____	NO <u>✓</u>
Rhode Island:	YES _____	NO <u>✓</u>
Tennessee:	YES _____	NO <u>✓</u>
Texas:	YES _____	NO <u>✓</u>
Virginia:	YES _____	NO <u>✓</u>
Washington:	YES _____	NO <u>✓</u>
District of Columbia:	YES _____	NO <u>✓</u>

Question Ten:

What amount of damages, if any, did Relators prove by a preponderance of the evidence that the States sustained as a result of any violations you found in Question Nine?

Damages: \$ 0

SIGNATURE

WHEN THE JURY HAS REACHED A UNANIMOUS VERDICT, THE
FOREPERSON MUST SIGN THIS VERDICT FORM AND SIGNAL THE
CLERK THAT THE JURY IS READY TO RENDER A VERDICT.

Date: 6/13/24

Jury Foreperson:

